

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STEVEN E. HAMMER, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-CV-339-FJG
)	
JP’S SOUTHWESTERN FOODS, L.L.C. d/b/a)	CLASS ACTION
JOSE PEPPER’S BORDER GRILL &)	
CANTINA; and DOES 1 through 10, inclusive,)	
)	
Defendants.)	

JP’S MOTION FOR SUMMARY JUDGMENT

Defendant, JP’S Southwestern Foods, L.L.C. (“JP’s”), by and through its attorneys, pursuant to Fed.R.Civ.P. 56 hereby moves this Court for summary judgment in its favor and against Plaintiff as to Plaintiff’s Complaint and in support thereof states as follows:

1. This case is a class action brought under 15 U.S.C. § 1681. On May 6, 2008, Plaintiff filed his Complaint in this case alleging that the credit card receipt he received from JP’s violated the truncation requirement of the Fair and Accurate Credit Truncation Act (“FACTA”) amendment to the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681c(g).
2. Plaintiff purports to represent a class in excess of 45,000 members who allegedly obtained credit card receipts from JP’s that were not in compliance with FACTA.
3. JP’s moves this Court to enter summary judgment in its favor.

4. In further support of its Motion, JP's refers the Court to its accompanying Suggestions in Support, along with the Affidavit of Mitch Osborn and the exhibits attached thereto.

REQUEST FOR ORAL ARGUMENT

JP's respectfully requests the opportunity for Oral Argument on its Motion for Summary Judgment as to Plaintiff's Complaint.

WHEREFORE, Defendant, JP'S Southwestern Foods, L.L.C., respectfully requests this Honorable Court enter summary judgment in its favor and against Plaintiff as to Plaintiff's Complaint.

JP'S SOUTHWESTERN FOODS, L.L.C. d/b/a
JOSE PEPPER'S BORDER GRILL & CANTINA

By: /s/Joe Gagnon
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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